

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 24, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B143245 D.C.F.S. v. Barbara M.
B130847 Daley v. Azafrani

Argument waived, cause submitted.

B141290 Rodas, etc.
 v.
 Spiegel et al.

Merits:

Argued by David E. Campana for appellant and by Jung D. Shin, deputy attorney general, for respondents. Cause submitted.

Ortega, J. leaves the bench.

B140261 Los Angeles County, D.C.F.S.
 v.
 Paul H.

Merits:

Argued by Gary Gross, deputy county counsel, for respondent and by Michael Salazar for appellant. Cause submitted.

DIVISION ONE (Continued)

B140106 Los Angeles County, D.C.F.S.
 v.
 Danielle L., et al.

Merits:

Argued by Jill Regal, deputy county counsel, for respondent, by Michael Salazar for appellant Danielle L. and by Tyna Thall Orren for appellant Attica M. Cause submitted.

B136777 Van Winkle et al.
 v.
 City Of Long Beach et al.

Merits:

Argued by Guillermo Barragan for appellants and by Belinda R. Mayes, deputy city attorney, for respondents. Cause submitted.

B135692 Garcia et al.
 v.
 Gold

Merits:

Argued by Robert H. Pourvali for appellants and by Roxanne Huddleston for respondent. Cause submitted.

Ortega,J. returns to the bench.

Mallano, J. leaves the bench.

B129660 Trout
 v.
 Federal Home Loan Mortgage Corporation

Merits:

Argued by Carol A. Peters for appellant and by Robert Cipriano for respondent. Cause submitted.

Mallano, J. returns to the bench.

DIVISION ONE (Continued)

Spencer, P.J. leaves the bench.

B146421 Gray Davis, as Governor, etc.
 v.
 Superior Court, Los Angeles County
 (Rosenkrantz, r.p.i.)

Merits:

Argued by Robert D. Wilson, deputy attorney general, for petitioner and by Donald Specter for real party in interest. Cause submitted.

Spencer, P.J. returns to the bench.

Mallano, J. leaves the bench.

B141876 Ordorica
 v.
 Workers Compensation Appeals Board
 Lance Camper Manufacturing Corporation, Respondent

Merits:

Argued by Alan H. Cutler for petitioner and by Ronald R. Kollitz for respondent. Cause submitted.

Mallano, J. returns to the bench.

B139515 Los Angeles County, D.C.F.S.
 v.
 Valerie F.
 Guillermo R., et al.

Merits:

Argued by Steven J. Pearlman for respondents (Guillermo & Julia R.) and by Harry Zimmerman for appellant and by Jill Regal, deputy county counsel, for respondent. Cause submitted.

DIVISION ONE (Continued)

B137677 Lomes
 v.
 The Hartford Financial Services Group et al.

Merits:
Argued by William J. Davis for appellant and by David B. Ezra for
respondents. Cause submitted.

Ortega, J. leaves the bench.

B126365 Hoffman
 v.
 City of Inglewood et al.

Merits:
Argued by Kenneth P. Scholtz for appellants and by Michael P. Stone for
respondent. Cause submitted.

Ortega, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

B135580 Haskin
 v.
 20th Century Fox Films

Merits:
Argued by Nikki Tolt for appellant and by Jonathan D. Meer for
respondent. In open court, counsel for appellant is ordered to file a letter
brief within one week from today; and respondent to file their reply one
week thereafter. Submission deferred.

Vogel (Miriam A.), J. returns to the bench.

Mallano, J. leaves the bench.

January 24, 2001-Continued

DIVISION ONE (Continued)

B107857 Coe
B108017 v.
City of Los Angeles et al.
Department of Social Services

Merits:

Argued by Esther G. Boynton for appellant and by Janet G. Bogigian, deputy city attorney, for respondents City of Los Angeles et al., by Geoffrey L. Graybill, deputy attorney general, for respondent Department of Justice and by Peter P. Castillo for respondent Department of Social Services. Cause submitted.

Court adjourned at 1:25 P.M.

DIVISION TWO

B123055

People
v.
Delarge

(Not for Publication)

The judgment is modified to include a parole revocation fine of \$200, which is suspended unless appellant's parole is revoked. As so modified, the judgment is affirmed. The trial court is directed to prepare and submit to the Department of Corrections an amended abstract of judgment, reflecting the foregoing fine and also the restitution fine and direct restitution ordered upon rendition of judgment.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B138557 Hermosa Beach Stop Oil (Certified for Publication)
Coalition, etc., et al.
v.
City of Hermosa Beach, etc., et al.
Windward Associates, etc., et al.

The judgment is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion, including, a declaration that Proposition E was intended to and does apply to the Macpherson project and that application of Proposition E to the Macpherson project is a valid exercise of the City's police power that does not constitute an unconstitutional impairment of contract. Stop Oil is to recover its costs on appeal.

Perluss, J. (Assigned)

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

[illegible]

The juvenile court's finding Neeman committed assault by means of force likely to cause great bodily injury upon Alfred P. (Pen. Code, § 245, subd. (a)(1)) as alleged in count 5 of the amended petition, is reversed. In all other respects, the order of wardship is affirmed. We remand the matter to the juvenile court for recalculation of the maximum term of physical confinement.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B139661 People
v.
Fitzpatrick

Filed order denying petition for rehearing.

B138694 People (Not for Publication)
v.
Shaun R. Scott

The judgment of conviction is reversed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B136169 Ricahard Zinniger et al. (Not for Publication)
v.
America's Best Self Service Storage et al.

The judgment is affirmed. Respondents America's Best Self Service Storage and Duke Tosado are awarded their costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

DIVISION SIX

B135960 People (Certified for Partial Publication)
v.
McPherson

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B127170 Kimball Ranches-El Hogar (Not for Publication)
v.
Southern California Edison Company

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SIX (Continued)

B141016 Corbin (Not for Publication)

v.

Atascadero State Hospital et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B133866 People (Not for Publication)

v.

Silver

The trial court is directed to stay the one-year sentence on count 3 pursuant to section 654 and to strike the \$82,500 restitution order. As modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B138949 Mazzei (Not for Publication)

v.

Radakovich

The judgment is affirmed. Respondents are awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

January 24, 2001-Continued

DIVISION SIX (Continued)

B141377 People (Not for Publication)
v.
Hampton

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B135564 Black et al. (Not for Publication)
v.
Los Angeles County Metropolitan Transportation Authority

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B136320 People (Not for Publication)
v.
Aragon

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SIX (Continued)

[illegible]

Appellant's sentence is modified by striking one of the life terms, imposing a requirement that appellant serve a minimum of fourteen years before he is eligible for parole, and imposing a consecutive five-year prior serious felony enhancement pursuant to Penal Code section 667, subdivision (a)(1). In all other respects, the judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B136559 People (Not for Publication)
v.
Mejia

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B140499 Tedford (Not for Publication)
v.
United Services Automobile Association

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SIX (Continued)

B136680 Hartman et al. (Not for Publication)
 v.
 City of Hawthorne

The judgment is reversed and upon remand, the trial court is directed to dismiss the complaint. Appellant is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.